



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/648,239

08/27/2003

Won-Uk Yu

P69094US0

3745

22429

7590

07/17/2008

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER

BECKER, SHASHI KAMALA

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

07/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/648,239 | Applicant(s) YU, WON-UK | |
| | Examiner Shashi K. Becker | Art Unit 2179 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-13, 18, 20-22 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6, 10-13, 18, 20-22, and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 10-13, 18, 20-22 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fong, US 20050249169 in view of Bushey US 20030217186.

- **In regards to claims 1, 10, 18 and 20**, Fong teaches an apparatus and method for controlling a home network (page 1 paragraph [0008]), comprising the steps of: determining whether a new control menu exists by accessing the Internet (page 4 paragraph [0050] and page 7 paragraph [0069], wherein determining whether a new device is in the network, determines whether there is a new control menu associated with that new device to control it. Once a new device is added to the list of network devices, the control menu of that device is within that list as well, making it a new control menu among the other devices' control menus in the network device list.) according to a set period (page 4 paragraph [0050], wherein the network detects when a new device is in the network and therefore its associated control menu), wherein the control menu is associated with a piece of equipment in the home network (page 7 paragraph [0069]); if the new control menu exists, performing a first download of the new control menu adding the downloaded new control menu to a corresponding control menu list

(page 6 paragraph [0063] and page 7 paragraph [0069] wherein determining whether a new device is in the network, determines whether there is a new control menu associated with that new device to control it. Once a new device is added to the list of network devices, the control menu of that device is within that list as well, making it a new control menu among the other devices' control menus in the network device list). While, Fong teaches the above limitations, he fails to specifically teach performing a second download of one or more corresponding new control programs using the added new control menu, as recited in the claims.

In the same field of the invention, Bushey teaches an apparatus and method of seamless wireless multimedia download path to peer networked appliances similar to that of Fong. Both Fong and Bushey teach updating software over the internet to a network of appliances. In addition, Bushey further teaches performing a second download of one or more corresponding new control programs using the added new control menu (page 4 paragraphs [0026-0028], wherein a second download can be a download of updated programs and information for each specific device on the network). It would have been obvious to one of ordinary skill in the art, having the teachings of Fong and Bushey before him at the time the invention was made, to modify the teachings taught by Fong to include the teachings of Bushey in order to obtain a second download of new control programs. One would have been motivated to make such a combination in order for the ability to transfer updated information to a personal computer and

other peripheral devices over a network automatically and error free to be obtained, as taught by Bushey (page 2 paragraph [0012]).

- **In regards to claim 2**, Fong teaches to above limitations (see claims 1 and 18).

Fong further teaches wherein determining whether a new control menu exists further comprises determining if the new control menu is not contained in a current corresponding control menu (page 4 paragraph [0050] and page 7 paragraph [0069], wherein determining whether a new device is in the network, determines that a new control menu exists associated with the new device that has not been contained in the current device list (page 4 paragraph [0050]).

- **In regards to claim 3**, Fong teaches to above limitations (see claims 1 and 18).

Fong further teaches wherein determining whether a new control menu exists further comprises determining if the new control menu is an upgraded version of the current control menu (page 4 paragraph [0050] and page 7 paragraph [0069], wherein determining whether a new device is in the network, determines that a new control menu exists associated with the new device that has not been contained in the current device list (page 4 paragraph [0050] and is therefore checking for upgrades)., the new control menu is considered as a new menu even when the new control menu is contained in the old control menu list (page 4 paragraph [0050] and page 6 paragraph [0063], wherein the new device along with its control menu is added to the old device list of the network to be an updated list of devices and associated control menus within each device).

- **In regards to claim 4**, Fong teaches to above limitations (see claims 1 and 18).

While, Fong teaches the above limitations, he fails to specifically teach wherein performing a second download of one or more corresponding control programs further comprises selecting a new item corresponding to a new control program from the added new control menu to initiate the second download.

In the same field of the invention, Bushey teaches an apparatus and method of seamless wireless multimedia download path to peer networked appliances similar to that of Fong. Both Fong and Bushey teach updating software over the internet to a network of appliances. In addition, Bushey further teaches performing a second download of one or more corresponding control programs further comprises selecting a new item corresponding to a new control program from the added new control menu to initiate the second download (page 4 paragraphs [0026-0028], wherein a second download can be a download of updated programs and new items such as updated software for each specific device on the network). It would have been obvious to one of ordinary skill in the art, having the teachings of Fong and Bushey before him at the time the invention was made, to modify the teachings taught by Fong to include the teachings of Bushey in order to obtain a second download of new control programs. One would have been motivated to make such a combination in order for the ability to transfer updated information to a personal computer and other peripheral devices over a network automatically and error free to be obtained, as taught by Bushey (page 2 paragraph [0012]).

- **In regards to claim 5**, Fong teaches to above limitations (see claims 1 and 18).

While, Fong teaches the above limitations, he fails to specifically teach wherein performing a second download of one or more corresponding control programs further comprises selecting an auto mode to automatically initiate the second download of one or more new control programs associated with the added new control menu.

In the same field of the invention, Bushey teaches an apparatus and method of seamless wireless multimedia download path to pear networked appliances similar to that of Fong. Both Fong and Bushey teach updating software over the internet to a network of appliances. In addition, Bushey further teaches wherein performing a second download of one or more corresponding control programs further comprises selecting an auto mode to automatically initiate the second download of one or more new control programs associated with the added new control menu (page 4 paragraphs [0026-0028], wherein a second download can be a download of updated programs and new items such as updated software for each specific device on the network automatically set by time periods (page 4 paragraph [0028])). It would have been obvious to one of ordinary skill in the art, having the teachings of Fong and Bushey before him at the time the invention was made, to modify the teachings taught by Fong to include the teachings of Bushey in order to obtain a second download of new control programs automatically. One would have been motivated to make such a combination in order for the ability to transfer updated information to a personal computer and

other peripheral devices over a network automatically and error free to be obtained, as taught by Bushey (page 2 paragraph [0012]).

- **In regards to claim 6**, Fong teaches to above limitations (see claims 1 and 18). While, Fong teaches the above limitations, he fails to specifically teach further comprising storing the one or more downloaded control program after the second download.

In the same field of the invention, Bushey teaches an apparatus and method of seamless wireless multimedia download path to pear networked appliances similar to that of Fong. Both Fong and Bushey teach updating software over the internet to a network of appliances. In addition, Bushey further teaches further comprising storing the one or more downloaded control program after the second download (page 4 paragraph [0029], wherein the memory stores software loaded on the system). It would have been obvious to one of ordinary skill in the art, having the teachings of Fong and Bushey before him at the time the invention was made, to modify the teachings taught by Fong to include the teachings of Bushey in order to obtain a second download of new control programs and storing them on the system. One would have been motivated to make such a combination in order for the ability to transfer updated information to a personal computer and other peripheral devices over a network automatically and error free to be obtained, as taught by Bushey (page 2 paragraph [0012]).

- **In regards to claims 11 and 21**, Fong teaches to above limitations (see claims 1 and 18). While, Fong teaches the above limitations, he fails to specifically teach

wherein the method is performed by each piece of equipment in the home network.

In the same field of the invention, Bushey teaches an apparatus and method of seamless wireless multimedia download path to peer networked appliances similar to that of Fong. Both Fong and Bushey teach updating software over the internet to a network of appliances. In addition, Bushey further teaches wherein the method is performed by each piece of equipment in the home network (page 4 paragraph [0028], wherein all the devices can communicate with each other and have automatic reconfiguration and updated shared data). It would have been obvious to one of ordinary skill in the art, having the teachings of Fong and Bushey before him at the time the invention was made, to modify the teachings taught by Fong to include the teachings of Bushey in order to obtain each piece of equipment on the network to include the above method (see claims 1, 10, 18 and 20). One would have been motivated to make such a combination in order for the ability to transfer updated information to a personal computer and other peripheral devices over a shared network automatically and error free to be obtained, as taught by Bushey (page 2 paragraph [0012]).

- **In regards to claims 12 and 22**, Fong teaches to above limitations (see claims 1 and 18). While, Fong teaches the above limitations, he fails to specifically teach further comprising allowing each piece of equipment in the home network to access each control menu list associated with a corresponding piece of equipment in the home network.

In the same field of the invention, Bushey teaches an apparatus and method of seamless wireless multimedia download path to peer networked appliances similar to that of Fong. Both Fong and Bushey teach updating software over the internet to a network of appliances. In addition, Bushey further teaches further comprising allowing each piece of equipment in the home network to access each control menu list associated with a corresponding piece of equipment in the home network (page 4 paragraph [0028], wherein all the devices can communicate with each other and have automatic reconfiguration and updated shared data). It would have been obvious to one of ordinary skill in the art, having the teachings of Fong and Bushey before him at the time the invention was made, to modify the teachings taught by Fong to include the teachings of Bushey in order to obtain each piece of equipment on the network to include the above method (see claims 1, 10, 18 and 20). One would have been motivated to make such a combination in order for the ability to transfer updated information to a personal computer and other peripheral devices over a shared network automatically and error free to be obtained, as taught by Bushey (page 2 paragraph [0012]).

- **In regards to claim 13**, Fong teaches to above limitations (see claims 1 and 18). While, Fong teaches the above limitations, he fails to specifically teach further comprising storing the one or more downloaded new control programs in memory associated with a piece of equipment that performed the first and second downloads prior to providing the one or more downloaded new control programs

to the corresponding pieces of equipment that implement the new control program.

In the same field of the invention, Bushey teaches an apparatus and method of seamless wireless multimedia download path to peer networked appliances similar to that of Fong. Both Fong and Bushey teach updating software over the internet to a network of appliances. In addition, Bushey further teaches further comprising storing the one or more downloaded new control programs in memory (page 4 paragraph [0029], wherein the memory stores software loaded on the system) associated with a piece of equipment (page 4 paragraph [0028]) that performed the first and second downloads prior to providing the one or more downloaded new control programs to the corresponding pieces of equipment that implement the new control program (page 4 paragraphs [0026-0029], wherein all the devices with updated information can communicate with each other and have automatic reconfiguration and updated shared data and programs). It would have been obvious to one of ordinary skill in the art, having the teachings of Fong and Bushey before him at the time the invention was made, to modify the teachings taught by Fong to include the teachings of Bushey in order to obtain each piece of equipment on the network to download and store the new programs in memory. One would have been motivated to make such a combination in order for the ability to transfer updated information to a personal computer and other peripheral devices over a shared network automatically and error free to be obtained, as taught by Bushey (page 2 paragraph [0012]).

- **In regards to claim 26**, Fong teaches a home network apparatus including the Internet network and a home network, the home network being provided with information via the Internet network (page 1 paragraph [0008]), wherein the home network includes: a power line for supplying communication signals, control signals and power source (abstract); and a plurality of equipments equipment connected to the power line and having an Internet function (page 3 paragraph [0050]) and an on-screen function that provides display of a control menu list including one or more control menus (page 7 paragraph [0069]), wherein the plurality of equipment are operable to perform a first download of a new control menu from the Internet based on a determination, occurring at a set period, of a new control menu existing at the Internet (page 6 paragraph [0063] and page 7 paragraph [0069] wherein determining whether a new device is in the network, determines whether there is a new control menu associated with that new device to control it. Once a new device is added to the list of network devices, the control menu of that device is within that list as well, making it a new control menu among the other devices' control menus in the network device list). While, Fong teaches the above limitations, he fails to specifically teach perform a second download operation of one or more corresponding new control programs using the added new control menu wherein the plurality of equipment is further operable to download only their own corresponding control programs through the Internet network.

In the same field of the invention, Bushey teaches an apparatus and method of seamless wireless multimedia download path to peer networked appliances similar to that of Fong. Both Fong and Bushey teach updating software over the internet to a network of appliances. In addition, Bushey further teaches perform a second download operation of one or more corresponding new control programs using the added new control menu wherein the plurality of equipment is further operable to download only their own corresponding control programs through the Internet network (page 4 paragraphs [0026-0028], wherein a second download can be a download of updated programs and information for each specific device on the network using the devices' corresponding control menus for updated software checks). It would have been obvious to one of ordinary skill in the art, having the teachings of Fong and Bushey before him at the time the invention was made, to modify the teachings taught by Fong to include the teachings of Bushey in order to obtain a second download of new control programs with each piece of equipment in the network. One would have been motivated to make such a combination in order for the ability to transfer updated information to a personal computer and other peripheral devices over a network automatically and error free to be obtained, as taught by Bushey (page 2 paragraph [0012]).

- **In regards to claim 27**, Fong teaches a home network apparatus including the Internet network and a home network, the home network being provided with information via the Internet network (page 1 paragraph [0008]), wherein the

home network includes: a power line for supplying communication signals, control signals and power source (abstract); and a plurality of equipments equipment connected to the power line and having an Internet function (page 3 paragraph [0050]) and an on-screen function that provides display of a control menu list including one or more control menus (page 7 paragraph [0069]), wherein the plurality of equipment are operable to perform a first download of a new control menu from the Internet based on a determination, occurring at a set period, of a new control menu existing at the Internet (page 6 paragraph [0063] and page 7 paragraph [0069] wherein determining whether a new device is in the network, determines whether there is a new control menu associated with that new device to control it. Once a new device is added to the list of network devices, the control menu of that device is within that list as well, making it a new control menu among the other devices' control menus in the network device list); a menu manager operable to store the control menu lists (page 2 paragraph [0032], database managing the network of devices) , register the downloaded control menu as a new control menu item into the control menu list, and provide the control menu lists to the respective pieces of equipment by request (page 6 paragraph [0063] and page 7 paragraph [0069] wherein registering a new device in the network, registers a new control menu associated with that new device to control it done by a request to for the device to join the network. Once a new device is added to the list of network devices, the control menu of that device is within that list as well, making it a new control menu among the other devices'

control menus in the network device list). While, Fong teaches the above limitations, he fails to specifically teach perform a second download operation of one or more corresponding new control programs using the added new control menu wherein the plurality of equipment is further operable to download through the Internet network the control programs for other pieces of equipment in the home network in addition to their own corresponding control programs.

In the same field of the invention, Bushey teaches an apparatus and method of seamless wireless multimedia download path to peer networked appliances similar to that of Fong. Both Fong and Bushey teach updating software over the internet to a network of appliances. In addition, Bushey further teaches perform a second download operation of one or more corresponding new control programs using the added new control menu (page 4 paragraphs [0026-0028], wherein a second download can be a download of updated programs and information for each specific device on the network using the devices' corresponding control menus for updated software checks) wherein the plurality of equipment is further operable to download through the Internet network (page 4 paragraph [0024]) the control programs for other pieces of equipment in the home network in addition to their own corresponding control programs (page 4 paragraph [0028], wherein all the devices with updated information can communicate with each other and have automatic reconfiguration and updated shared data and programs and each device can download updated programs for their own specific device (page 4 paragraphs [0026-0028])). It would have been obvious to one of ordinary skill in

the art, having the teachings of Fong and Bushey before him at the time the invention was made, to modify the teachings taught by Fong to include the teachings of Bushey in order to obtain a second download of new control programs with the new control menu of each piece of equipment in the network. One would have been motivated to make such a combination in order for the ability to transfer updated information to a personal computer and other peripheral devices over a network automatically and error free to be obtained, as taught by Bushey (page 2 paragraph [0012]).

- **In regards to claim 28**, Fong teaches to above limitations (see claims 1 and 18). While, Fong teaches the above limitations, he fails to specifically teach wherein the menu manager is further operable to manage the control menu lists for the pieces of equipment through a sharing of the control menu lists.

In the same field of the invention, Bushey teaches an apparatus and method of seamless wireless multimedia download path to peer networked appliances similar to that of Fong. In addition, Bushey further teaches wherein the menu manager is further operable to manage the control menu lists for the pieces of equipment through a sharing of the control menu lists (page 4 paragraph [0028], wherein all the devices can communicate with each other and have automatic reconfiguration of devices and their respective control menus added and removed from the network and updated shared data). It would have been obvious to one of ordinary skill in the art, having the teachings of Fong and Bushey before him at the time the invention was made, to modify the teachings

taught by Fong to include the teachings of Bushey in order to obtain each piece of equipment on the network to include the above method (see claims 1, 10, 18 and 20). One would have been motivated to make such a combination in order for the ability to transfer updated information to a personal computer and other peripheral devices over a shared network automatically and error free to be obtained, as taught by Bushey (page 2 paragraph [0012]).

Response to Arguments

Examiner withdraws non-final rejection dated 1/24/08 due to filing date of the primary reference was later than the application.

Applicants argue that Bushey does not teach *wherein one device downloads a new control menu and programs for another device as in claims 10, 20, and 26.*

Examiner disagrees. No where in claims 10, 20 and 26 is there specific language that says that **another device** downloads a new control menu and programs for another. Claim 26 does recite a plurality of equipment that is operable to perform a first download of a new control menu (line 7) and a plurality of equipment operable to download **their own** corresponding control programs (lines 14 and 15). If applicant may be pointing to claim 27, *wherein the plurality of equipment is further operable to download through the Internet network the control programs for other pieces of equipment in the home network in addition to their own corresponding control programs.* Bushey teaches wherein all the devices can communicate with each other and have automatic reconfiguration for addition or removal of devices on the network **from the network appliances** and updated shared data (page 4 paragraph [0028]). Therefore,

Art Unit: 2179

Bushey teaches that **from the network appliances** reconfiguration of addition and removal of devices and their respective control menus from the network list and can have updated shared data. In combination with the teachings of Fong, Bushey and Fong teach the above limitations of claim 27 (please see claim 27 rejection).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Daum et al. teaches method and apparatus for appliance communication interface. Meyer et al. teaches a system and method that monitors upgrade availability for computer information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shashi K. Becker whose telephone number is 571-272-8919. The examiner can normally be reached on Mon-Fri 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shashi K Becker/
Examiner, Art Unit 2179

/Steven B Theriault/

Patent Examiner, Art Unit 2179